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In re Application of
Paul A. Underbrink et al.
PCT Application No.: PCT/US2004/028926
U.S. Application No.: 10/570,833
Int. Filing Date: 02 September 2004
Priority Date: 02 September 2003
Atty Docket No.: ST02042USU2 (281-US-U2)
For: SIGNAL PROCESSING SYSTEM FOR
SATELLITE POSITIONING SIGNALS

DECISION

UNDER

37 CFR 1.47(a)

This communication is issued in response to applicants' "Petition To Withdraw Holding of Abandonment," filed on 20 September 2007, which is being treated under 37 CFR 1.181.

BACKGROUND

On 02 September 2004, Applicant filed international application PCT/US2004/028926 which claimed priority of an earlier United States application filed 02 September 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 March 2006.

On 01 March 2006, Applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 31 August 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 April 2007, Applicant sent in petition for extension of time and response to the Notification of Missing Requirements.

On 20 August 2007, the DO/EO/US mailed a Notification of Abandonment.

On 20 August 2007, the DO/EO/US mailed Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495.

On 20 September 2007, Applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the reply filed 02 April 2007 is present. The declaration executed by Nicholas Vantalon is proper. However, the reply filed 02 April 2007 is nevertheless defective for the following reasons. First, inventor Robert Tso is not listed as an inventor on two of the declarations. Second, one of the declarations is an improper composite declaration created by assembling pages (i.e. signature pages) from different documents into a single declaration. Third, the signature of inventor Chittharanjan Dasannacharya does not appear on any of the declarations, and an appropriate petition under 37 CFR 1.47(a) did not accompany the 02 April 2007 submission.

Because the 02 April 2007 submission was deficient for the reasons above, the Notice of Acceptance was sent in error.

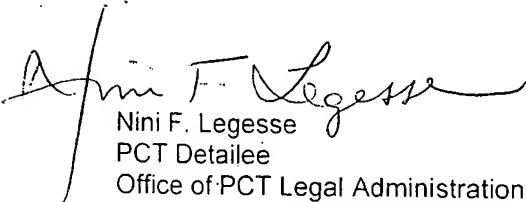
CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The notification of Abandonment (Form PCT/DO/EO/909) mailed 20 August 2007 is hereby VACATED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 20 August 2007 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that the reply filed 02 April 2007 is deficient for the reasons set forth above.


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